REMARKS

CLAIM REJECTIONS - 35 USC § 101

The Office action rejected claims 1, 11 and 19 under 35 U.S.C. § 101 as not being limited to tangible embodiments. Claims 1, 11 and 19 have been cancelled. Therefore, the rejection of these claims is moot.

CLAIM REJECTIONS - 35 USC § 103

The Office action rejected claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,401,208 issued to Davis et al. (*Davis*) in view of U.S. Patent number 7,017,043 issued to Potkonjak (*Potkonjak*). Claims 1-20 have been cancelled. Therefore, the rejection of these claims is moot.

NEW CLAIMS

Claims 21-40 have been added. Applicant respectfully submits claims 21-40 are not obvious in view of *Davis* and *Potkonjak* for at least the reasons set forth below.

Claims 21-26 and 27-32

Applicant asserts that independent claims 21 and 27 are patentable over the cited references because it recites at least one limitation that is not disclosed by either reference. For example, the cited references fail to teach or disclose authenticating the code module in the private memory using the embedded key, as recited in claims 21 and 27. *Davis* discusses a "root key" but it is not used to authenticate a code module as claimed in claims 21 and 27. *Davis* discusses a cryptographic device. Col. 4, ln 41-42. The cryptographic device contains a root certification key. Col. 4, ln 50-53. However, this root key is used to authenticate a BIOS certificate, not to authenticate a code module.

Col. 4, ln 58-59. Furthermore, the "root key" disclosed by Davis is not an "embedded key" as recited in claims 21 and 27. The cryptographic device contains the root certification key. Col. 4, ln 50-53. As claimed in an earlier limitation of claim 21, embedded keys are "embedded in the computing device in one of a processor, a chipset or a physical token." The cryptographic device is not any of these three. Thus the "root key" of *Davis* is not an "embedded key" as claimed in claims 21 and 27.

Davis discusses a second "key" but it too is not an "embedded key" as claimed in claim 21. Davis discusses a key in the BIOS certificate that is used with the BIOS signature to authenticate the BIOS code. Col. 3, ln 31-40. *Davis* discusses that a BIOS certificate is located on a BIOS device. Col. 3 ln 30-35. This BIOS device is a storage device. Col. 3 ln 25-30. As claimed in an earlier limitation of claim 21, embedded keys are "embedded in the computing device in one of a processor, a chipset or a physical token." Thus, the key in the BIOS certificate disclosed in *Davis* is not an "embedded key" as recited in claims 21 and 27.

Potkonjak also fails to disclose authenticating the code module in the private memory using the embedded key, as recited in claims 21 and 27. *Potkonjak* discusses a method for embedding a signature in an intellectual property for the purpose of identifying the intellectual property. Col. 1, ln 60-67. This intellectual property may be a circuit or software code. *Id.* However, *Potkonjak* does not disclose using an embedded key, as claimed in claims 21 and 27. Thus, *Potkonjak* fails to cure the deficiencies of *Davis*. Therefore, Applicant respectfully submits claims 21 and 27 are not obvious in view of the cited art.

Claims 22-26 depend from claim 21. Claims 28-32 depend from claim 27. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant respectfully submits claims 22-26 and 28-32 are also patentable in view of the cited art.

Claims 33-40

Applicant asserts that independent claim 33 is patentable over the cited references because it recites at least one limitation that is not disclosed by either reference. For example, the cited references fail to teach or disclose a processor to load a code module into the private memory and to authenticate the code module using a key embedded in one of the processor, a chipset and a physical token, as recited in claim 33.

Davis discusses a "root key" but it is not used to authenticate a code module as claimed in claim 33. *Davis* discusses a "root key" but it is not an "embedded key" as claimed in claim 33. *Davis* discusses a second "key" but it too is not an "embedded key" as claimed in claim 33. *Potkonjak* does not disclose an embedded key, as claimed in claim 33. The detailed arguments of these assertions are found in the section above regarding claim 21. For at least these reasons, claim 33 is patentable over the cited art.

Claims 34-40 depend from claim 33. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant respectfully submits claims 34-40 are patentable for at least the same reasons claim 33 is patentable.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 21-40 are in condition for allowance and such action is

earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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On: April 16, 2007

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